Memorandum

Date: February 6, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: Honorable Commissioner Dennis C. Moss
Chairperson, Governmental Structure Task Force

Subject: Governmental Structure Task Force Final Report

I am pleased to transmit the findings and recommendations of the Governmental Structure Task Force (GSTF), which were approved at the December 4, 2006 GSTF Workshop. The Task Force, which I have had the honor of chairing, was created in December 2004 through Resolution-1490-04 sponsored by former Chairman Joe A. Martinez as a response to media and community concerns regarding governmental structure and processes in Miami-Dade County. The GSTF was subsequently extended for six months by the Board in May 2006, through Ordinance 06-59, and concluded its work at the December meeting.

The Task Force was charged with developing criteria for identifying efficient and effective structures of local governments in this country and reviewing the procurement governance models as well as procurement matters that have been presented to the Board in recent years. Additionally, the Task Force was to conduct public hearings for the purpose of obtaining community input on these matters and prepare a written report summarizing the Task Force's findings. The GSTF has worked diligently over the past two years to fulfill its charge. Although we were unable to conduct community meetings due to time constraints, we have convened on twelve occasions in the Commission chambers to discuss these important community issues in sunshine meetings. I would like to take this opportunity to thank Commissioners Heyman, Seijas and Sosa for their valuable contributions, as well as staff for their efforts. I would also like to thank former Chairman Martinez for the opportunity to examine these issues of importance to the community.

The attached final report summarizes the conclusions of the Task Force with respect to the criteria for efficient and effective governmental structures. The adopted criteria, carefully culled from a review of performance excellence awards and initiatives such as the Florida Sterling Council for Organizational Excellence, the Baldridge National Quality Program, the Balanced Scorecard Institute, and Governing.com's Grading the Counties 2002 Report, encompass four broad areas: strategic planning and organizational performance, human resources and financial management, customer focus, and information technology. As noted in the report, Miami-Dade County has made great strides in these areas in recent years. Among our more notable accomplishments are the codification of Results Oriented Government, the ongoing development of an executive/middle management development program, and the implementation of the 311 call center. These efforts have resulted in tangible improvements for our customers, as evidenced by residents' rising satisfaction with County services.

Our findings with regard to comparative procurement models, and the role of Board of County Commissioners in the procurement process, are also included. Significantly, a review of close to 4,000 procurement items over the past five years revealed that the Board of County Commissioners overturned the County Manager's procurement recommendation following a bid protest on only six occasions. Additionally, thanks in large part due to the leadership of Task Force member Commissioner Sosa, a number of key procurement process reforms have been implemented. Recent

reforms initiated by Commissioner Sosa include delegated authority to the County Manager to advertise all solicitations without seeking prior Board approval, establishment of the Expedited Purchasing Program Pilot which allows the County Manager flexibility to use various procurement techniques and streamlining efforts to provide best-value procurements and reduction of the bid protest period from ten to three County workdays, among others. These reforms, along with other legislative amendments to institute a permanent waiver of procurement agenda items to the next full Board after Committee approval, the recission of the period required for Board reconsideration of contract awards and the reduction in the number of days to forward successor contracts to the Board from 60 to 30 days have resulted in significant cycle time reductions for procurements. Looking ahead, the County is examining the potential for accessing federal contracts where feasible, as well as for enhancing the construction procurement process.

As part of its work, the Task Force has examined a number of issues in greater depth, including the Sunset Review of County Boards process and the County's Community Periodicals Program. We are separately transmitting for the Board's consideration our recommendations for legislative action in these areas, via two Resolutions.

Although the Governmental Structure Task Force has concluded its work, it is essential that the County continue to evaluate itself against the criteria for efficient and effective government that we have adopted. Importantly, this assessment process is ongoing through the County's performance monitoring and management appraisal systems, as codified in our *Governing for Results* ordinance. Additionally, former Chairman Martinez, in his September 18, 2006 Budget Message, expressed support for the creation of an advisory body similar to the former Efficiency and Competition Committee for the purpose of garnering public and private sector input on the performance of governmental operations. The GSTF supports this initiative as a method for continuing our emphasis on performance across the organization.

Finally, as a part of this transmittal memo, I have taken the prerogative to include a section that I refer to as the "Chairman's Perspective on County Governance" for your review and consideration.

Once again, I would like to thank my colleagues and our staff for their service on the GSTF. I look forward to continuing our efforts to improve the efficiency and effectiveness of County government for the benefit of our residents.

The Chairman's Perspective on County Governance

As a part of our review over the last two years, it is important that we take all of the analysis and ask the following question. Under our current hybrid form of governance, that is our Mayor-Council-Manager form of governance, are we heading in the right direction, or is the Strong Mayor form best? In order to answer this question, it is important to provide the following background.

History of the Strong Mayor Form of Government

Many people believe that the Strong Mayor form of governance came about as a result of it being the best form. However, when you look at its' history, that simply is not the case. The Mayor, (mayoral, or shire-reeve) form of government is a carryover form of government, modeled after the medieval English Towns, where you had terms for political subdivisions such as boroughs, wards, and shires (similar to our districts), terms for political officials such as aldermen (similar to our commissioners) and of course Earls or Shire-reeves, who were defacto Mayors. These Earls or Shire-reeves (Mayors) were originally appointed by the King and they wielded great powers (Strong Mayor type Powers). This allowed the King of England to maintain control and power in places that were distant from the throne. These terms to describe the local political structure are still used today in the old rust belt cities such as New York and Chicago, reflecting our country's beginnings and our ties to the British. As a result, the Strong Mayor form of government was the predominant form of government in this country until the 1900s, when the Council-Manager form of government began to gain in popularity. This move toward the Council-Manager form of government was primarily the result of public outcry against the political patronage, corruption and scandals that were prevalent in places like Tammany Hall in New York and with the Daley Machine in Chicago.

History of the Council-Manager Form of Government

The Council-Manager form of governance began to take root in the 1900s, as part of a reform movement in this country in response to scandals, political patronage and corruption. This reform movement is viewed as one of the few original American contributions to the political process, where the idea is to hire a professional Manager to run local government, in a manner that a Chief Executive Officer (CEO) runs a private corporation. Over time, the Council-Manager form of governance has gained popularity and is currently the most popular form of government both for large communities with populations greater than 100,000 residents, as well as overall (see Attachment 1). It also should be noted that Strong Mayor forms are almost exclusively associated with large rust belt cities for the reasons I noted above. However, when you look at counties, only 4 of the top 20 most populous counties have a Strong Mayor form of governance and in the State of Florida only 2 of its' 67 Counties are Strong Mayor Counties (see Attachment 2).

Reasons Given in Favor of a Strong Mayor Form of Government

1. Strong Mayor is dominant form of government

   FACTS: Council-Manager is dominant form of government (see Attachment 2).

2. Strong Mayor will stop fraud and corruption

   FACTS: The Council-Manager form of governance developed as part of a reform movement that was a result of the fraud, corruption, cronyism and political patronage that was occurring and still exists today (see Attachment 3).

3. Strong Mayor will bring about more accountability

   FACTS: There is no evidence that a Strong Mayor brings about any more accountability than a Council-Manager form of government. As a matter of fact, some would argue that it does the opposite (see Attachment 4).

Finally, at the end of the day, I believe that the facts don't support the idea that the Strong Mayor form of government is better than the Council-Manager form. Nor is it aligned with the Jacksonian Democracy notion that when politicians have few powers and many checks and balances, the less damage they can do.

As the Chairman of the Task Force, I know that we will continue to face many challenges, however I believe that our current form of government provides the residents of Miami-Dade County with its best chance of having a professionally run government with the appropriate checks and balances.

Attachments

ATTACHMENT 1

Council-Manager Government...
The Most Popular Form of U.S. Local Government Structure

Fast Facts About U.S. Cities:

- More than 92 million individuals live in cities operating under council-manager government.

- 62% of U.S. cities with populations of 50,000* or more operate under the council-manager form.

- 63% of U.S. cities with populations of 25,000* or more operate under the council-manager form.

- 57% of U.S. cities with populations of 10,000* or more operate under the council-manager form.

- 53% of U.S. cities with populations of 5,000* or more operate under the council-manager form.

*Source: *The Municipal Year Book 2006*, published by ICMA, Washington, D.C. Percentages were derived by dividing the number of council-manager communities in a specific population range by the total number of cities in that population range.

FORM OF GOVERNMENT	2006	2004	2000	1996	1992	1988	1984
Council-Manager	3,505 (49.1%)	3,453 (48.7%)	3,302	2,760	2,441	2,356	2,290 (35%)
Mayor-Council	3,096 (43.3%)	3,089 (43.6%)	2,988	3,319	3,635	3,686	3,686 (56%)
Commission	143 (2.0%)	145 (2.0%)	143	154	168	173	176 (3%)
Town Mtg.	337 (4.7%)	338 (4.8%)	334	365	363	369	370 (6%)
Rep. Town Mtg.	63 (.9%)	63 (.9%)	65	70	79	82	81 (1%)
Unknown		3 (.04%)					
Total	**7,144 (100%)	***7,091 (100%)	**6,832	**6,668	**6,686	**6,666	**6,603 (100%)

**Totals for the number of U.S. local governments represent only those municipalities with populations of 2,500 and greater. There are close to 30,000 local governments with populations under 2,500.

Source for statistics inside table only: "Inside the Year Book: Cumulative Distribution of U.S. Municipalities" in *The Municipal Year Books 1984-2006*, published by the premier local government leadership and management organization, ICMA, Washington, D.C.

Revised 8-10-06

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ATTACHMENT 2

Top Counties Government Structure

Rank	Name	State	Pop Est 2003	Form of Gov't.
1	Los Angeles County	California	9,871,506	Board of Supervisors - 5 Supervisors elected by district. (No Mayor)
2	Cook County	Illinois	5,351,552	Board of County Commissioners - 17. Elected President of Board serves as County CEO.
3	Harris County	Texas	3,596,086	Court of 4 County Commissioners by district, one County Judge elected at large.
4	Maricopa County	Arizona	3,389,260	Board of Supervisors - 5 Supervisors elected by districts; Chair selected each year. (No Mayor)
5	Orange County	California	2,957,766	Board of Supervisors - 5 elected by district. Chair selected each year. Appointed County Administrator
6	San Diego County	California	2,930,886	Board of Supervisors - 5 elected by districts. Chief Administrator appointed by Board.
7	Kings County / Borough of Brooklyn	New York	2,472,523	Borough President elected borough-wide; Strong mayor elected city-wide
8	Miami-Dade County	Florida	2,341,167	Board of County Commissioners - 13. Chair of Board selected every 2 years. Weak mayor.
9	Dallas County	Texas	2,284,096	Court of 4 County Commissioners by district, one County Judge elected at large.
10	Queens County / Borough of Queens	New York	2,225,486	Borough President elected borough-wide; Strong mayor elected city-wide
11	Wayne County	Michigan	2,028,778	15 Commissioners elected by district. One commissioner selected as chair. Appointed CEO as administrator.
12	San Bernardino County	California	1,859,678	Board of Supervisors - 5 elected by district. Chief Administrator appointed by Board.
13	Riverside County	California	1,782,650	Board of Supervisors - 5 elected by district. Chief Administrator appointed by Board.

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14	King County	Washington	1,761,411	13 Council Members elected by district. Council elects own Chair who presides over Board. **County Executive is elected Countywide and serves as CEO of County**
15	Broward County	Florida	1,731,347	9Member Board of Commissioners. Commission elects their own Mayor to preside over meetings. **County Adminstrator** runs Day to Day Operations of the County (No Mayor)
16	Santa Clara County	California	1,678,421	Board of Supervisors - 5 Supervisors elected by district. **County Executive (Appointed)** runs the Day to Day operations of the County. (No Mayor)
17	Clark County	Nevada	1,576,541	County Commission - 7 members elected from geographic districts. Commissioners elect their own Chair who presides over the Board. **County Manager** has executive oversight for day to day operations. (No Mayor)
18	New York County / Borough of Manhattan	New York	1,564,798	Borough President elected borough-wide; Strong mayor elected city-wide
19	Tarrant County	Texas	1,559,148	Commissioner's Court - 4 Commissioners elect in districts and the County Judge (NO Mayor). Appointed County Administrator.
20	Philadelphia County	Pennsylvania	1,479,339	Strong Mayor (Acts as County CEO) - 17 member Council

Most Populous Cities Government Structure

CITY/POPULATION	FORM OF GOVERNMENT	COUNCIL	CITYWIDE ELECTED OFFICIALS
New York City/ 8 million	Strong Mayor; Veto	51 members; elects own speaker; retains professional staff	Mayor; Comptroller; Public Advocate; 5 Boro Pres.; Community Boards; Independent Budget Office
Los Angeles; 3.8 million	Strong Mayor; Veto	15 members; elects own Pres. Of Council; retains professional staff	Mayor; City Attorney; City Comptroller
Chicago; 2.9 million	Strong Mayor; Veto	50 members; mayor presides over council; mayor votes only in tie	Mayor; City Treasurer; City Clerk (staff of 120) is 2nd highest ranking City official
Houston; 2 million	Strong Mayor; No veto	14 members; 9 from districts; mayor presides over council; council access to centralized research staff	Mayor; City Controller; 5 Council members
Philadelphia; 1.5 million	Strong Mayor; Veto	17 members; 10 from districts	Mayor; City Controller; City Treasurer; 7 Council members
Phoenix; 1.4 million	Council/Manager; City Manager appointed by Council; Salary setting commission	8 members; Council appts police and fire chiefs; appoints own staff	Mayor
San Diego; 1.3 million (as of Jan 2006); (reverts back to council/manager in 2011)	Strong Mayor; Veto; City Manager appointed by Mayor with Council approval	8 members; elects own leader & controls agenda; selects own staff and appoints independent budget analyst; can overturn dismissal of police and fire chiefs	Mayor
Dallas; 1.2 million; (assuming passage of Blackwood proposition)	Strong Mayor; No veto; no professional manager required	14 members; mayor presides over council and sets agenda; mayor votes on all proposals; Council selects City Auditor; no independent staff	Mayor (no other citywide elected official)

Most Populous Cities Government Structure

CITY/POPULATION	FORM OF GOVERNMENT	COUNCIL	CITYWIDE ELECTED OFFICIALS
San Antonio; 1.2 million	Council/Manager; City Manager appointed by Council	10 members; paid $20 per meeting; Council has own staff to supplement staff provided by manager Mayor	
Detroit; 900,000	Strong Mayor; Veto	9 members; elects own leader and controls agenda; selects Auditor General and Ombudsman with 10 year terms	Mayor; all 9 Council members
San Jose; 900,000	Council/Manager City Manager nominated by Mayor with Council approval Salary setting commission	11 members; appoint City Attorney, City Clerk & City Auditor; select own staff	Mayor

Prepared by Jane Davis, member of the League of Women Voters, City Charter Study Committee, February 2005

ATTACHMENT 3

January 6, 2006

Corruption Scandal Loosening Mayor Daley's Grip on Chicago

A wide-ranging federal investigation into what prosecutors describe as "pervasive fraud" in hiring and contracts at City Hall has led to 30 indictments, including two senior administrators close to the mayor, and a dozen cabinet-level resignations. Mayor Daley himself spent two hours being interrogated this summer, and just last month, local headlines blared about court records showing the head of the Hispanic Democratic Organization, a key Daley ally, helped arrange promotions for politically active city employees and orchestrated campaign work by administration officials.

CHICAGO SUN-TIMES

December 31, 2006

Scandals aplenty

The year started the way the last one ended: with City Hall corruption dominating the headlines.

*   *   *

For the second time in eight months, John Briatta embarrassed the Daley family. The brother-in-law of the mayor's brother John Daley, Briatta was charged with taking $8,000 in bribes from a company that got Hired Truck work from the Department of Water Management, where Briatta had previously participated in an alleged payroll scam. He also took $20,000 in loans from a man accused of running a heroin ring.

The Cabinet shake-up touched off by the scandals continued with new commissioners in the departments of Aviation, Fire, Health, Human Services, Water Management, Construction and Permits, Animal Care and Control, and Buildings. Daley chose a new School Board president and Chicago Housing Authority chief. With the exception of his most trusted adviser, press secretary Jacquelyn Heard, Daley is now surrounded by a team that looks nothing like it did just three years ago.

Chicago Tribune
—ONLINE EDITION—

http://www.chicagotribune.com/news/local/chicago/chi-0612060050dec06,1,2463826.story

Hiring reform going just fine, Daley says

He vows to eliminate pockets of resistance that monitor cited

By Dan Mihalopoulos and Gary Washburn, Tribune staff reporters.
Tribune staff reporters Laurie Cohen and Todd Lighty contributed to this
report

December 6, 2006

Mayor Richard Daley extolled his efforts to combat City Hall corruption
Tuesday, a day after a report filed in federal court alleged that his
administration has continued to violate restrictions on political hiring.

"From the time any problem was pointed out to my administration, we
quickly acted," Daley said, adding that officials have done "a very, very
good job" of reforming the city's hiring process.

According to the lawyer appointed by a federal judge to oversee changes
in city hiring, the city has made progress in the last 15 months but
"pockets of resistance" to reform endure at City Hall.

Daley responded: "If there are any pockets of resistance, they will be
eliminated."

The mayor said he has been consistent in his statements against
corruption, despite his recent praise for former city officials convicted in a
long-running scheme to rig city hiring.

"There are no mixed messages," Daley said.

Three of the four defendants in the hiring trial, including former mayoral
patronage chief Robert Sorich, are from the Daley family's traditional 11th
Ward power base.

"I know all those young men personally and their families, and they are
very fine young men, and their families," Daley said last week in his first
public comment after Sorich was sentenced to almost 4 years in prison.

On Tuesday, Daley told reporters he stands by those remarks.

"I have answered that openly and honestly with you," Daley said. "It was a personal ... it was a question
you asked me about them, and I answered that."

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Chicago Tribune
— ONLINE EDITION —

http://www.chicagotribune.com/news/local/southsouthwest/chi-0612190274dec19,1,6431764.story

US DISTRICT COURT

Sorich denied bail during his appeal

December 19, 2006

A federal judge on Monday refused to grant bail for Robert Sorich and two of his co-defendants, who are trying to stay out of prison as they seek a new trial.

U.S. District Judge David Coar said he already had ruled on the meat of the legal issues raised by the defense. While he said he does not consider the men a flight risk or their appeal an attempt to delay proceedings, Coar said he saw no reason to hold off on having Sorich, Timothy McCarthy and Patrick Slattery report to federal custody promptly.

The men were convicted in July on corruption charges stemming from a scheme to rig hiring for city jobs and promotions for political armies. The crimes involved mail fraud.

Sorich, Mayor Richard Daley's onetime patronage chief, has been sentenced to 3 years and 10 months in prison and is scheduled to report to serve his sentence Jan. 22. Slattery and McCarthy are scheduled to report to prison the same day to serve lesser sentences.

Sorich's opening brief to the appeals court is due Jan. 16, with a government reply to follow in February.

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December 31, 2006

Slow or no progress seen during first year in office

It was supposed to be a remarkable year for San Diego politics, the first for a new, "strong mayor" system of government that created separate executive and legislative branches and gave Sanders hiring, firing and budgeting power.

Instead, it was a year of painfully slow progress, and sometimes none at all.

November 12, 2006

Mayor has first, last, only word on city info

Sanders' press policy riles civic watchdogs

Critics say the mayor's policies stymie attempts by civic watchdogs to apply checks to his actions and, ultimately, conceals from citizens what their government is doing.

*   *   *

"If we do (talk), we're going to be shut out," the veteran city employee said. "You know, he ran (for office) on open government. How is this open government?"

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SPOKESMANREVIEW.COM

July 14, 2005

Our view

City-appointed panel should be dissolved.

Council should investigate West

... more than two months after the West scandal rocked Spokane, the city is still in need of an investigation into mayoral misconduct. True, the FBI is looking into abuse-of-office allegations, but that probe is focused on criminal wrongdoing. The city still needs to determine whether the mayor violated its policies on ethics, sexual harassment, use of city equipment and more.

The City Council is already pursuing charter changes that would give it powers to remove a strong mayor for official misconduct, so it recognizes the current imbalance in the strong-mayor system.

Posted on Fri, Jan. 05, 2007

Ad man sentenced for pay-to-play

Evans pleaded guilty to misappropriating company funds to make a political contribution. Three codefendants pleaded guilty to funneling $30,000 in campaign contributions to Mayor Street's 2003 reelection campaign to help secure a contract at Philadelphia International Airport. In Pennsylvania, corporations are barred from making political contributions.

December 12, 2006

Philly Airport's Contracts Still Under Federal Scrutiny

The latest charges came last month when Mayor Street's brother, Milton, was indicted on fraud and corruption charges for an allegedly sham consulting contract for airport maintenance.

During its wide-ranging City Hall corruption probe, the FBI placed wiretaps on the phones of power broker Ronald A. White and senior airport official James Tyrrell. White was charged with corruption, some of it related to airport concessions, but he died before trial. Tyrrell has not been charged with any wrongdoing.

Posted on Tue, Jan. 03, 2006

S.J. mayor, council have strayed too far from city charter

It's a sad time in San Jose. The mayor is censured and the city manager has resigned. A grand jury and the district attorney are investigating. Historic, yes, but not something we can be proud of.

How did we get into this shameful situation?

Over the last seven years, the mayor and the council majority have shifted power from the council and city manager into the mayor's office. Essentially, the manager must work through the mayor, and the council majority goes along to get along.

*   *   *

• The mayor and city manager did not tell the council about the mayor's secret deal for a garbage rate increase to pay an extra $11.25 million to Norcal Waste Systems.
• The mayor and city manager did not promptly tell the council about the $45 million surprise increase in the budget for the new City Hall to pay for furniture and technology.

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ATTACHMENT 4

COUNCIL-MANAGER
FORM OF LOCAL GOVERNMENT

The Council-Manager form of government is used by more cities, villages, townships, and counties than any other form. It is a system of local government that combines the strong political leadership of elected officials in the form of a governing body, with the strong managerial experience of an appointed local government manager. The governing body, commonly known as the council, as a whole may also be referred to as the commission or the board. The Council-Manager form establishes a representative system where all power is concentrated in the elected council and where the council hires a professionally trained manager to oversee the delivery of public services.

It's Responsive
In council-management government, the mayor or chairperson of the governing body and council members are the leaders and policy makers elected to represent the community. They focus on policy issues that are responsive to citizen's needs and wishes. The manager is appointed by the governing body to carry out policy and ensure that the entire community is being served. If the manager is not responsive to the governing body's wishes, the governing body has the authority to terminate the manager at any time. In that sense, a manager's responsiveness is tested daily.

It's Adaptable
Not all Council-Manager governments are structured the same way. One of the most attractive features is that the Council-Manager form is adaptable to local conditions and preferences. For example, some communities have councils that are elected at large while other councils are elected by district or by a combination of an at-large and by district structure. In some local governments, the mayor or chairperson is elected at large by the voters; others are elected by their colleagues on the governing body.

It's less expensive
Local governments have found that overall costs actually have been reduced with competent management. Savings come in the form of reduced operating costs, increased efficiency and productivity, improved revenue collection, or effective use of technology.

Council-Manager vs. the Strong Mayor
Nearly 90% of all communities use either the Council-Manager or the Strong Mayor form of government. When viewed together, the overwhelming advantages of the Council-Manager form become apparent. It encourages neighborhood input into the political process, diffuses the power of special interests, and eliminates partisan politics from municipal hiring, firing, and contracting decisions.

Neighborhoods Strengthen Their Voice
The Council-Manager form encourages open communication between citizens and their government. Under this form, each member of the governing body has an equal voice in policy development and administrative oversight. This gives neighborhoods and diverse groups a greater opportunity to influence policy.

Under the "strong Mayor" form, political power is concentrated in the mayor, which means that other members of the elected body relinquish at least some of their policy-making power and influence. This loss of decision-making power among council members can have a chilling effect on the voices of neighborhoods and city residents.

The Power of Special Interests is Diffused
Under the Council-Manager form of government, involvement of the entire elected body ensures a more balanced approach to community decision making, so that all interests can be expressed and

heard – not just those that are well funded.

Under the "strong-mayor" form, however, it's easier for special interests to use money and political power to influence a single elected official, rather than having to secure a majority of the city council's support for their agenda.

Merit-Based Decision Making Vs. Partisan Politics
Under Council-Manager government, qualifications and performance- and not skillful navigation of the political election process - are the criteria the elected body uses to select a professional manager. The professional manager, in turn, uses his or her education, experience, and training to select department heads and other key managers to oversee the efficient delivery of services. In this way, Council-Manager government maintains critical checks and balances to ensure accountability at city hall.

Under the "strong mayor" form of government, the day-to-day management of community operations shifts to the mayor, who often lacks the appropriate training, education, and experience in municipal administration and finance to oversee the delivery of essential community services. Also, under the "strong-mayor" form, there is the temptation to make decisions regarding the hiring and firing of key department head positions – such as the police chief, public works director, and finance director – based on the applicant's political support rather than his or her professional qualifications.

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Miami-Dade County Governmental Structure Task Force

Summary of Findings Final Report

January 2007

MIAMI-DADE COUNTY

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Executive Summary

- The Miami-Dade County Governmental Structure Task Force was created on December 14, 2004 by Resolution 1490-04 sponsored by former Chairman Joe Martinez to address concerns involving the County's government structure and procurement process. The Task Force was established with four Commissioners as voting members: Commissioner Moss, designated as the Chairman, Commissioner Seijas, Commissioner Sosa, and Commissioner Heyman.

- The Task Force conducted research regarding various forms of local government structure. Based on the research findings, the Task Force adopted four broad categories to serve as the criteria for judging the effectiveness and efficiency of local government structures:

  - Human resources and financial management
  - Strategic planning and organizational performance
  - Customer focus
  - Information technology

- The Task Force reviewed the application of the criteria to local governments across the country. An assessment of Miami-Dade County's performance in these areas showed demonstrable improvements in recent years.

  - The Task Force urges continued use of the adopted criteria to evaluate County government and recommends the establishment of a new County performance assessment group to champion these efforts.

MIAMI-DADE COUNTY

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Executive Summary *(cont.)*:

Summary of Key Results

Over the past five years, the County's key accomplishments have included...

In the area of *Human Resources and Financial Management*:

- Partnered with the Harvard University Kennedy School of Government to provide a performance leadership course, which is the initial component of a comprehensive training program for executives and middle managers, currently under development.

- Expanded Department Director authority to recognize employees

- General Fund reserves corresponding to over 5% of the General Fund budget; growing Countywide and unincorporated emergency contingency funds

- Recognition Awards from the Government Finance Officers Association (GFOA):

    ➤ Certificate of Achievement for Excellence in Financial Reporting—for the 24th year in a row, and

    ➤ Distinguished Budget Presentation Award, reflective of the County's commitment to adhering to the highest standards of governmental budgeting

- Implementation of Enterprise Resource Planning (ERP) financial software at the Aviation and Water and Sewer Departments and continued plans for future rollout Countywide

- Ongoing transition to a fully automated recruitment system

In the area of *Strategic Planning and Organizational Performance*:

- Roll-out of the first-ever Countywide Strategic Plan
- Approval of the "Governing for Results" ordinance
- Alignment of resource allocation decisions with Strategic Plan goals

    - Systematic measurement and monitoring of Strategic Plan/Business Plan implementation, including the use of an automated performance management system

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Executive Summary *(cont.):*

Summary of Key Results

Over the past five years, the County's key accomplishments have included...

In the area of *Customer Focus:*

• Increasing resident satisfaction as measured by customer surveys

• Resident satisfaction higher than national averages for large jurisdictions

• Secret Shopper program to measure direct customer service quality

• Customer-focused technology initiatives including 311 Call Center and web portal improvements (see below)

In the area of *Information Technology:*

• Implementation of 311 Call Center to provide a single point of access for non-emergency government services

• Enhancements to the County's award winning web portal, including customer-friendly applications such as video on demand and web pages devoted to the land use and permitting process and housing programs

• Establishment of IT governance process and project management office

• Increased training for IT personnel

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Executive Summary *(cont.)*

⋋ The Governmental Structure Task Force reviewed close to 4,000 procurement items over the past five years and found that the Board of County Commissioners overturned the County Manager's procurement recommendation following a bid protest on only six occasions. The Task Force also reviewed recent improvements in the County's procurement process.

⋋ The Task Force endorsed two Resolutions to the Board of County Commissioners comprising its findings and recommendations for improving the County's Community Periodicals Program and the Sunset Review of County Boards process.

⋋ The Task Force conducted its work over the course of twelve sunshine meetings in the Commission Chambers.

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Task Force Creation and Structure

➢ The Miami-Dade County Governmental Structure Task Force was created on December 14, 2004 by Resolution 1490-04 sponsored by former Chairman Joe Martinez to address concerns involving the County's government structure and procurement process.

➢ The Task Force was originally established for a twelve month period; however, the term of the Task Force was extended by ordinance to November 19, 2006 to allow additional time for the Task Force to complete its work. The Task Force has met on twelve occasions to fulfill its charge as outlined in its authorizing legislation.

➢ The Task Force was established with four Commissioners as voting members: Commissioner Moss, designated as the Chairman, Commissioner Seijas, Commissioner Sosa, and Commissioner Heyman.

➢ The Mayor was invited to serve as a fifth voting member.

➢ The County Manager's Office, County Attorney's Office, and the Office of Strategic Business Management were assigned to provided staff support to the Task Force.

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Task Force Objectives and Adopted Criteria

➤ Resolution 1490-04 charged the Task Force with:

  ➤ developing criteria to identify effective and efficient structures of local government in this country,

  ➤ applying the criteria to evaluate the effectiveness and efficiency of Miami-Dade County government, and

  ➤ reviewing the procurement process and procurement matters that have been presented to the Board in recent years.

➤ At the March 24, 2005 meeting, the Task Force adopted four broad categories to serve as the criteria for judging the effectiveness and efficiency of local government structures:

  ➤ Human resources and financial management

  ➤ Strategic planning and organizational performance

  ➤ Customer focus

  ➤ Information technology

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Research Methodology

➤ In selecting the criteria and determining how to best evaluate the effectiveness and efficiency of local government structures, the Task Force considered a wide variety of sources:

➤ A survey of relevant literature

➤ A survey of multiple jurisdictions around the country

➤ A Review of excellence awards and initiatives including

  ➤ The Florida Sterling Council

  ➤ The Baldridge National Quality Program

  ➤ Governing.com's Grading the Counties 2002 Report

  ➤ The Balanced Scorecard Institute

➤ Presentations to the Task Force by former Miami-Dade County Manager and 2006 International City/County Management Association Distinguished Service Award recipient Merrett R. Stierheim and others

MIAMI·DADE COUNTY

Research Findings:
Governance Structure

A There are two main forms of local government in the United States:

1. Mayor-Council

⮞ *Weak Mayor* Form: The Council has executive and legislative functions and the mayor possesses ceremonial and somewhat limited authority in administrative and budget matters.

⮞ *Strong Mayor* Form: The elected mayor is responsible for day-to-day operations of government, with almost total administrative control, including authority to hire and fire department heads. The mayor is also responsible for development of the budget.

2. Council-Manager

⮞ An elected governing board exercises both executive and legislative functions. The board appoints a professional Manager to supervise government operations and implement policy directives of the board.

A The emerging trend is a hybrid of both models.

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Research Findings:
Governance Structure

In his presentation to the Task Force, former County Manager Merritt Stierheim advocated for the Council-Manager form of government for Miami-Dade County. According to Mr. Stierheim:

➢ The Council-Manager form has been in existence for almost 100 years in the United States and emerged as an attempt to end cronyism, nepotism, and mismanagement in government.

➢ The Council-Manager form is modeled after the corporate world, in which company stockholders elect a Board of Directors and the Board in turn selects a president to run the company. In the public sector version of this structure, citizens who own public assets elect a Board of Commissioners and the Commissioners in turn select a professional manager to run the operations of the government and implement the legislative directives.

➢ County managers, similar to corporate presidents, must be qualified to manage a complex organization; be professionally trained; and possess skills, experience, education, integrity, and other qualities inherently necessary for the position.

➢ The majority of large council-manager cities have strong bond ratings.

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Research Findings: Governance Structure Survey

- The Office of Strategic Business Management conducted a survey of 22 local governments (15 counties; 7 cities) regarding their form of governance.

- Survey Results:
  - Council-manager: 10 counties
  - Mayor-Council: 10 jurisdictions
    - *strong mayor* – 5 cities; 1 joint city/county; 2 counties
    - *weak mayor* – 2 cities
  - Two counties had alternate forms of government

- Authority of Council, Mayor and Manager:
  - In all jurisdictions surveyed, the Board/Council had legislative and procurement authority and the power to appoint and/or confirm the Manager.
  - In Strong Mayor jurisdictions, the Mayor had authority to appoint the manager and department heads, and was responsible for annual budget preparation.
  - In Council-Manager jurisdictions, the Manager had the authority to appoint department heads and award contracts within a threshold; moreover, the Manager was responsible for day-to-day government operations and annual budget preparation.

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Criteria for Effective and Efficient Government:
Human resources and financial management

➤ **When evaluating an organization's Human Resources and Financial Management, the following questions should be considered:**

➤ **For Human Resources...**

  ➤ Does an organization have the necessary tools in place to obtain the employees it needs?

  ➤ Does an organization maintain an appropriately skilled workforce?

  ➤ Does an organization motivate employees to perform effectively in support of its goals?

➤ **For Financial Management...**

  ➤ Does an organization have mechanisms in place that preserve stability and fiscal health?

  ➤ Does an organization make sufficient financial information available to policymakers, managers, and citizens?

  ➤ Does an organization have appropriate control over financial operations?

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Grading the Counties (2002): Human resources and financial management

➤ In 2002, *Governing Magazine* did an extensive evaluation of counties across the na in key governance areas, including Human Resources and Financial Management.

➤ Miami-Dade County scored above average in the Human Resources category and average in the Financial Management category (see grid below).

➤ Overall, counties did an excellent job with financial reporting; most counties had a good structural balance in their budgets and strong reserve funds.

➤ Lack of a unified county personnel system hampered human resources efforts, and tight job market of the 10 years preceding the study forced many counties to revise their recruitment and merit pay policies.

Criteria	Average Grade for All Counties	Miami-Dade County
Human Resources	C+	B-
Financial Management	B-	B-

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Summary of Key Results: Human resources and financial management

➤ In the past five years, Miami-Dade County has achieved the following key results in this area:

– The County has entered into a partnership with the Harvard University Kennedy School of Government to provide a performance leadership course; the course is the initial component of a comprehensive training program for executives and middle managers, currently under development.

– Department Directors have expanded authority to design employee recognition programs under Administrative Order No. 7-30.

– General Fund reserves now correspond to over 5% of the General Fund budget; Countywide and unincorporated emergency contingency funds have increased.

– In 2005, the County won two major awards from the Government Finance Officers Association (GFOA):

• Certificate of Achievement for Excellence in Financial Reporting—for the 24th year in a row, and

• Distinguished Budget Presentation Award, reflective of the County's commitment to adhering to the highest standards of governmental budgeting.

– The Aviation and Water and Sewer Departments have implemented Enterprise Resource Planning (ERP) software, including financial and time collection modules. Ongoing ERP rollout Countywide continues to enhance the County's human resources and financial business processes.

– The County is currently transitioning to a fully automated, paperless recruitment system.

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Criteria for Effective and Efficient Government:
Strategic Planning and Organizational Performance

➤ **When evaluating an organization's strategic planning and organizational performance, the following questions should be considered:**

➤ **For Strategic Planning:**

➤ How does an organization set its strategic direction and determine its key action plans, their deployment and measurement?

➤ Does an organization have a system in place to ensure that allocation of resources properly supports strategic goals?

➤ **For Organizational Performance:**

➤ How does an organization develop indicators and evaluative data that can measure progress toward results and accomplishments?

➤ Do leaders and managers use results data for policymaking, management, and evaluation of progress?

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Grading the Counties (2002): Strategic Planning and Organizational Performance

➤ In the 2002 "Grading the Counties" project conducted by Governing Magazine, Miami-Dade scored above average in the Managing for Results category (see grid below).

➤ Only 25 percent of the counties evaluated had formal countywide strategic plans; strategic planning was more common at the department level, but plans often lacked a common format.

Criteria	Average Grade for All Counties	Miami-Dade County
Managing for Results	C+	B-

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Summary of Key Results: Strategic
Planning and
Organizational Performance

➤ In the past five years, Miami-Dade County has achieved the
following key results in this area:

–   The County's first-ever Strategic Plan was formally unveiled in 2004.

–   The "Governing for Results" ordinance was approved by the BCC in
    2005.

–   Resource allocation decisions are now formally aligned with Strategic
    Plan goals.

–   The County formally measures Strategic Plan/Business Plan
    implementation through customer surveys and other performance
    data, which is tracked through Active Strategy Enterprise (ASE), a
    web-based performance management system that is fully
    implemented throughout the County.

–   Performance data is analyzed by departments on a monthly and
    quarterly basis to guide management decisions.

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Strategic Planning and Organizational Performance:

Results Oriented Government Legislation

➢ Strategic planning and results orientation have been widely integrated into legislation at all levels of government across the nation.

  ➢ 36 of the 50 states have adopted this type of legislation.

  ➢ The federal government enacted a comprehensive management framework under its Government Performance and Results Act of 1993.

  ➢ Many local jurisdictions have implemented administrative, if not legislative, requirements for strategic planning and performance measurement.

➢ **With the adoption of the Governing for Results Ordinance on July 7, 2005, Miami-Dade County became a leader among local governments.**

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Strategic Planning and

Organizational Performance:

Miami-Dade County Strategic Management Model

➤ **The Miami-Dade County Strategic Management Model consists of...**

Planning

➤ Strategic Plan

● On September 21, 2004, Miami-Dade County launched its first-ever Strategic Plan.

● The Strategic Plan serves as the community's roadmap that will take it from where it is today to where it wants to go in the coming years.

➤ Departmental Business Plans are developed on the basis of the Strategic Plan.

➤ Resource Allocation is based on Departmental Business Plans.

Measurement & Monitoring

➤ The County measures/monitors Strategic Plan implementation success through....

● Customer surveys

● Secret Shopper Program

● 311 Answer Center data

● Departmental performance measures

● Management appraisals based on performance

Strategic Planning and
Organizational Performance:

Performance Management System

$\land$ The County has implemented Active Strategy Enterprise (ASE), a web-based performance management system to track performance data throughout the County.

$\land$ The system is the primary tool for county staff to develop their business plans and set targets for their priority measures, objectives and initiatives. It displays and organizes information through interactive screens which permits users to "drill-down" from long-term strategic issues to tactical measures. Performance measures are aligned to goals and objectives identified in the Countywide Strategic Plan.

$\land$ Results are reviewed monthly in departmental business review meetings and quarterly with the County Manager and his executive team.

$\land$ Performance data is used to help guide management decisions, identify under-performing metrics and implement targeted improvement actions.

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Criteria for Effective and Efficient Government: Customer Focus

⋗ When evaluating an organization's Customer Focus, the following questions should be considered:

⋗ Does the organization use appropriate strategies to monitor and react to the concerns of stakeholders?

⋗ Does the organization measure customer satisfaction relative to similar organizations?

⋗ Does the organization effectively communicate the results of its activities?

Note: Governing Magazine did not address customer focus in its 2002 *Grading the Counties* study.

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Summary of Key Results: Customer Focus

➤ In the past five years, Miami-Dade County has achieved the following key results in this area:

- The County now conducts detailed resident satisfaction surveys biennially, with surveys in 2003 and 2005. Overall, satisfaction with County services is increasing and exceeds national averages for large jurisdictions.

- Performance results are communicated to customers through the Progress Report to the Community (mailed to all Miami-Dade residents' homes and available in many County offices) and through the County's website: http://www.miamidade.gov/results/.

- Individual County departments elicit customer feedback through department-specific surveys and other methods.

- The County's Secret Shopper program was implemented to measure the quality of direct customer service via telephone and face to face contact. Shopping results are used to recognize excellent service as well as to develop corrective action plans where improvement is needed.

- Technology initiatives such as the 311 Call Center and web portal enhancements (described under the Information Technology section) have significantly improved the customer experience.

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Customer Focus:

Resident Satisfaction Survey

➤ The Resident Satisfaction Survey is an integral part of measuring the County's progress in achieving Strategic Plan goals. The County conducted surveys in 2003 and 2005.

➤ The 2005 survey was conducted by ETC Institute, a nationally recognized, independent research firm.

➤ The survey covers all major service areas and provides an overall view of the County; results from the survey are used to help guide policy and resource allocation.

➤ Results from the survey are communicated to residents through the Progress Report to the Community (mailed to all Miami-Dade residents' homes and available in many County offices) and through the County's website: http://www.miamidade.gov/results/.

➤ The most recent survey indicated that 51% of the Miami-Dade residents surveyed indicated they are very satisfied or satisfied with County government services overall. This satisfaction rate is higher than the average for large urban areas, which is 47% nationwide (data provided by ETC Institute).

➤ The survey also indicated high levels of resident satisfaction with Miami-Dade's public safety services, parks and libraries.

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Secret Shopper Program

A The County created a Secret Shopper program to measure the quality of direct customer service via telephone and face to face contact. The program provides departments feedback by evaluating service delivery to the public at customer interface points.

A 21,000 shopping experiences have been completed countywide since the inception of the program.

A All County departments were shopped during the first two years of the program, giving a comparison from one year to the next. In general, departments' scores are often positive.

A Half of all departments are now shopped each year, in addition to those shopped by special request.

A Departments that are shopped receive both a summary and detail of results. Departments' scores are also listed on their performance measurement scorecard. High-scoring departments receive letters of commendation for their performance. Low-scoring departments must submit an action plan to address their service deficiency and improve performance.

A The evaluations are used as a tool to recognize areas that are delivering excellence as well as identify areas that need improvement.

A The County receives inquiries from other jurisdictions that want to set up similar programs of their own.

A Management responsibility was recently transferred to the County's Government Information Center (GIC) to leverage Center staff expertise and improve program coordination.

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Criteria for Effective and Efficient Government: Information Technology

➤ When evaluating an organization's Information Technology, the following questions should be considered:

➤ Do IT systems enable the organization to communicate with and provide services to its customers?

➤ Do IT systems provide information that support agency needs and strategic goals?

➤ Does the organization conduct multi-year, organization-wide IT planning?

➤ Do IT systems form a coherent architecture?

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Grading the Counties (2002):
Information Technology

➤ In the 2002 "Grading the Counties" project conducted by *Governing Magazine*, Miami-Dade scored below average in the Information Technology category.

➤ County IT challenges of previous years included:

  ➤ Duplicate technology initiatives across departments

  ➤ No rationale for investments

  ➤ No funding mechanism for countywide initiatives

  ➤ Lack of project management and planning

  ➤ Staffing issues

Criteria	Average Grade for All Counties	Miami-Dade County
Information Technology	C+	D+

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Summary of Key Results:

Information Technology

➤ In the past five years, Miami-Dade County has achieved the following key results in this area:

– The 311 Call Center commenced operations in 2004, providing a simplified, single point of contact for residents seeking non-emergency information and services.

– Customers now have access to a wide range of government information and services 24 hours a day through the County web portal; recent portal improvements include video on demand and web pages devoted to the land use and permitting process and housing programs.

– A formal technology governance process and project management office were established to provide centralized review and funding of large technology initiatives.

– The County has increased training of IT personnel and was named by Computerworld as one of the 100 Best Places to Work in IT in 2005.

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Information Technology:

311 Answer Center

- On November 29, 2004, Miami-Dade County activated its 311 Answer Center, taking its level of customer service to the next level and providing County management with an unparalleled management tool.

  - ➤ On the customer service side, the 311 Answer Center....

    - ➤ Provides simplified, single point of contact for residents seeking non-emergency information and services, replacing less effective and less efficient agency-based call centers.

    - ➤ Responds to over 100,000 citizen calls monthly, handling an estimated call volume of 2.5 million in FY 06-07.

    - ➤ Is multi-jurisdictional, the first such call center in the nation.

  - ➤ As a management tool, the 311 Answer Center....

    - ➤ Allows for real-time, county-wide tracking and reporting of performance metrics.

    - ➤ Assists in the County's ability to respond to unanticipated events by steering non-emergency calls away from 911.

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Information Technology:

County Web Portal

www.miamidade.gov

➢ The County's web portal, available 24/7, gets high survey marks from users and enjoys growing popularity.

➢ An estimated 70% of Miami-Dade County residents have internet access.

➢ The County's web portal and department websites have received over 18 million visits.

➢ From 2004 to 2005, there was a 100% increase in customer portal usage.

➢ Popular online services include:

   ➢ Payment of taxes and fees (property taxes, water and sewer bills, parking tickets, etc.).

   ➢ Building permit applications (24,981 online permits in 2004)

   ➢ Job applications.

➢ Popular online information includes:

   ➢ Property and neighborhood information (5,000 daily visits to "My Home" and "My Neighborhood" sites).

   ➢ Webcasts of County Commission and Committee meetings.

➢ Improvements put in place within the last year include video on demand and web pages devoted to the land use and permitting process and housing programs.

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Information Technology:

Technology Management Improvements

➤ **Since 2002, Miami-Dade County has made significant improvements in its management of information technology. Areas in which the greatest improvements have occurred include...**

➤ **Strategic Goals and Planning**

➤ There has been an alignment of technology functions under the Chief Information Officer to ensure cohesion and strategic focus.

➤ An IT governance process has been implemented to provide centralized review of large technology initiatives.

 ➤ The governance process is the basis for project funding recommendations to the County Manager.

 ➤ The governance process ensures that new initiatives conform with IT Strategic Goals.

 ➤ As part of the process, departments are required to submit a structured business case for all new desired initiatives.

➤ A project management office tracks all projects approved in governance as well as any projects greater than 120 hours.

➤ Benefits attributed to the governance process include...

 ➤ Shared solutions—the needs of multiple departments being met by the same project.

 ➤ Comprehensive costing and planning of projects.

 ➤ Alignment of projects with infrastructure.

 ➤ A methodology for assessing project benefits to the County and the public.

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Information Technology:

Technology Management Improvements (cont.)

Architecture

- Infrastructure is being established that promotes cross-boundary participation, as with "My Neighborhood," allowing County web pages to be service based, not agency based.

- Security protocols are kept up to date.
  - IT has survived 142,427 attempts to infect its network with viruses and 824,602 spam.
  - Risk/vulnerability assessments of system are routinely conducted.
  - Employees are trained for security awareness.

Training

- Investment in employee training is up.
- An on-going leadership training program has been established.
- Project management certification has increased (50% of PM's).
- Training was one of the criteria for the Computerworld's 100 Best Places to Work in IT 2005 award received by the department.

Recent County Recognition Awards and Initiatives

➢ The County received 17 National Association of Counties (NACO) Achievement Awards in 2006, recognizing excellence in a wide range of program categories administered by 13 different departments.

➢ In 2005, the County won two major awards from the Government Finance Officers Association (GFOA):

  ➢ Certificate of Achievement for Excellence in Financial Reporting—for the 24th year in a row, and

  ➢ Distinguished Budget Presentation Award, reflective of the County's commitment to adhering to the highest standards of governmental budgeting.

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Recent County Recognition Awards and Initiatives (cont.)

Florida Sterling Council:

➢ The County selects individual departments to participate in the Sterling Performance Excellence Challenge, affording participants a framework and assessment mechanism for understanding organizational strengths and opportunities for improvement.

➢ Sterling criteria include: Leadership; Strategic Planning; Customer and Market Focus; Measurement, Analysis and Knowledge Management; Human Resource Focus; Process Management; and Organizational Performance Results.

➢ In 2006, nine County departments underwent the Sterling Challenge:

Cultural Affairs
DERM
Fire
Library
Parks
Police
Team Metro
Transit
Water and Sewer

➢ In Spring 2006, these nine departments were recognized at the 14th Annual Sterling Conference Awards Ceremony.

➢ In 2007, an additional 6 departments plan to undergo the Sterling Challenge and Miami-Dade Transit, who previously went through the Challenge, has applied for the Governor's Sterling Award.

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Recent County Recognition Awards and Initiatives (cont.)

Procurement Management Awards:

➢ Winner, **Pareto Award, 2006** – National Institute of Governmental Purchasing (NIGP)

➢ Winner, **Outstanding Agency Accreditation Award, 2006** – National Institute of Governmental Purchasing (NIGP)

➢ Winner, **NACO Achievement Award, 2006** – National Association of Counties (NACO)

➢ Winner, **Achievement of Excellence in Procurement Award, 2006** – National Purchasing Institute (NPI)

➢ Winner, **Manager of the Year Award, 2006** – National Institute of Governmental Purchasing (NIGP)

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Recent County Recognition Awards and Initiatives (cont.)

Information Technology Awards:

➤ Winner, **Best of the Web, 2004** – Center for Digital Government

➤ Winner, **Best in Class, 2004** – National Association of County Information Officers

➤ Winner, **Special Achievement in GIS, 2005** – ESRI

➤ Winner, **100 Best Places to Work in IT, 2005** – Computerworld

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Procurement Management: Bid Protest Statistics

Research by the Department of Procurement Management indicated that over the past five years, the County Manager made approximately 4,000 award recommendations to purchase goods and services. Approximately 1% of these were protested; only 6 were overturned by the Board.

	FY2001 -02	FY2002 -03	FY2003 -04	FY2004 -05	FY2005 -06	Totals
Number of Protests Filed	8	8	8	9	8	41
Number of County Manager's Award Recommendations Overturned by BCC	2	2	1	1	0	6

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This data includes contracts for **goods and services** awarded by Department of Procurement Management (DPM), Miami Dade Aviation Department (MDAD) and Miami-Dade Transit Department (MDT).

Procurement Management:
Bid Protest Statistics (cont.)

Bid Protests – County Manager's Recommendation Overturned by Board of County Commissioners
FY2001-02 through FY2005-06

Month/Year	Name
10/2002	RFP 300: Seats for Crandon Park Tennis Center
10/2002	1247-2/05 OTR: SW Trophies, Plaques and Award Ribbons
03/2003	RFP 351: Enterprise Asset Management System Software
02/2004	7368-4/08: Automated Garbage Trucks
12/2004	7578-3/10: Medical Transport Billing and Collection Services
09/2005	RFP 407: Small Low Floor Transit Buses

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Procurement Management: Key Improvements

Recent improvements in the County's procurement processes include:

➢ Delegated authority to the County Manager to advertise all solicitations without prior Board approval.

➢ Expedited Purchasing Program Pilot which allows the County Manager flexibility to use various procurement techniques and streamlining efforts to provide best-value procurements.

➢ Reduction of the bid protest period from ten to 3 County workdays.

➢ Permanent waiver of procurement agenda items to the next full Board after Committee approval.

➢ Rescission of the period required for Board reconsideration of contract awards.

➢ Reduction in the number of days to forward successor contracts to the Board from 60 to 30 days.

➢ Selection Committee reform to simplify the requirements for creating committees and to ensure that members are qualified to evaluate and select the best product(s) or service provider(s).

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Procurement Management: Accessing Federal Contracts

➢ Miami-Dade County is developing a strategy for securing access to Federal GSA contracts.

➢ DPM is working closely with the Office of Intergovernmental Affairs and the County Attorney's Office to develop affirmative legislative language and seek sponsorship for the proposed legislation.

➢ DPM is also working with the National Institute of Governmental Purchasing, the National Association of Counties, the National League of Cities and other organizations to coordinate advocacy efforts in support of accessing these contracts.

➢ If County access to Federal contracts is achieved through the legislative process, contracts established under full and open competition, with favorable pricing, terms and conditions will be sought out.

➢ Where there are opportunities to include certified small business entities, contracts will be competed locally.

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Procurement Management:
User Access (UAP) Fees

A Pursuant to Miami-Dade County Budget Ordinance No. 03-192, most County contracts are subject to the County User Access Program (UAP).

A Under the UAP, the vendor providing goods or services submits invoices at the contract price; however, the user agency deducts a 2% UAP fee from the vendor payment and remits the 2% fee to DPM. The County retains the UAP fee to support procurement operations.

A As contracts expire, and options to renew are exercised, DPM includes and/or negotiates inclusion of the UAP language.

A As of December 2006, the County has received $16,209,530 in UAP revenue.

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Future Action Items

➤ Resolution on Sunset Review of County Boards

➤ Resolution on Community Periodical Advertising Program

➤ Creation of a new Miami-Dade County performance assessment group

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DRAFT ACTION ITEMS

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Memorandum   MIAMI-DADE COUNTY

Date:

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: Honorable Commissioner Dennis C. Moss
Chairperson, Governmental Structure Task Force

Subject: Governmental Structure Task Force Report on Sunset Review of County Boards

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I am pleased to transmit for your consideration the findings and recommendations of the Governmental Structure Task Force (GSTF) with respect to the Sunset Review of County Boards process, and encourage the adoption of the accompanying Resolution directing the Manager to draft corresponding amendments to the Code, to be brought forward through the appropriate Commission Committee. I am also pleased to note that a number of administrative improvements, spearheaded primarily by the Office of the Clerk of the Board, are already in progress. Most of these improvements are designed to address challenges in filling board vacancies.

The Task Force was created in 2004 through a Resolution sponsored by former Chairman Joe A. Martinez as a response to media and community concerns regarding governmental structure and processes in Miami-Dade County. As part of its work analyzing efficient and effective structures of government, and at the request of the Board of County Commissioners (BCC), the Task Force has examined the Sunset Review of County Boards process in depth. Currently, approximately 100 boards and councils exist as auxiliaries to County government; these include governing boards, advisory boards, and quasi-judicial boards, among other types. Roughly 70 of these boards are subject to the County's Sunset Review process, under which the boards transmit a Sunset Review report to the BCC every two years.

It has become apparent that the current process, which is essentially a system of *self-reporting* by boards, may not be robust enough to identify boards which no longer fully serve their intended purposes. This was reflected in the Commission Auditor's March 2006 Review of Boards and Councils and was a recurring theme at Task Force meetings. As you know, advisory boards serve at the discretion of the BCC, as only the BCC has the authority to create or terminate boards. As such, establishing a Sunset process that is effective, but that properly reflects the overall intent of the BCC in creating a board, remains a challenge.

Nonetheless, the Task Force has developed a series of recommended legislative changes to improve the Sunset Review process. The recommendations are summarized in the attached report, which was endorsed by the GSTF at its December 4, 2006 Workshop. These include the establishment of true sunset provisions, under which boards would automatically terminate under certain conditions absent reauthorization by the BCC; revised reporting requirements, including a mechanism for independent review of boards in some circumstances; and a number of procedural improvements.

Additionally, I am pleased to note a number of administrative improvements designed to improve the process by which vacancies are filled, including the online board member application system being developed by the Clerk of the Board. The County Manager will continue to support Board staff in the fulfillment of their official duties; additionally, to facilitate enhanced coordination of Board administrative functions, the GSTF recommends the designation of a County Boards liaison in the Office of the Chair.

Finally, in discussions at the December 4 GSTF workshop, Commissioners expressed an interest in promoting more sustained dialogue with advisory boards. Accordingly, the Task Force suggests that

the BCC explore options for enhancing communications with these boards, potentially by regular reporting through the BCC committee structure.

The attached report has the full endorsement of the GSTF, and I look forward to feedback from my fellow Commissioners. I would like to thank Commissioners Heyman, Seijas and Sosa for their valuable contributions as members of the Task Force, as well as staff (especially the Commission Auditor and the Clerk of the Board) for their efforts.

Attachment

RESOLUTION NO. _____

RESOLUTION ADOPTING GOVERNMENTAL STRUCTURE
TASK FORCE ("GSTF") RECOMMENDATIONS REGARDING
THE SUNSET REVIEW PROCESS OF ADVISORY BOARDS
AND DIRECTING THE COUNTY MANAGER, IN
CONSULTATION WITH THE COUNTY ATTORNEY, TO
DRAFT AMENDMENTS TO THE CODE INCORPORATING
GSTF RECOMMENDATIONS PERTAINING TO COUNTY
BOARDS

WHEREAS, the GSTF was created by this Board to evaluate the effectiveness and

efficiencies of various components of local governments in general and Miami-Dade County in

particular and to make appropriate recommendations; and

WHEREAS, the Task Force's analysis included evaluation of the sunset review process

of approximately 70 County boards that exist as auxiliaries to County government; and

WHEREAS, the GSTF recommends legislative changes to improve the sunset review

process of County Boards all as more specifically outlined in the accompanying memorandum

and attachments hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the

County Manager, in consultation with the County Attorney, to draft amendments to the Code

incorporating GSTF recommendations regarding the sunset review process of County Boards as

set forth in the accompanying memorandum and attachments hereto and incorporated herein by

reference.

The foregoing resolution was sponsored by Commissioner   and

offered by Commissioner   , who moved its adoption. The motion was

seconded by Commissioner   and upon being put to a vote, the vote

was as follows:

<div align="center">

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

</div>

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this   day of

              , 2007. This resolution shall become effective ten (10) days after the date

of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an

override by this Board.

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MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
      Deputy Clerk

</div>

Approved by County Attorney as
to form and legal sufficiency.   _____

Abigail Price-Williams

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Miami-Dade County Government Structure Task Force

County Advisory Boards and the Sunset Review Process:
Findings and Recommendations of the GSTF

MIAMI-DADE COUNTY

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Background & Progress to Date

➤ GSTF was requested by the BCC to examine the Boards process.

➤ The Commission Auditor's final report on boards and councils was issued March 31, 2006.

➤ Issues and Suggestions for Improvement were presented at the April 2006 GSTF; a discussion of the role of the Clerk of the Board took place at the September 2006 GSTF meeting.

➤ Staff met with County Attorney's Office, Commission Auditor, and Clerk of the Board to discuss potential improvements.

➤ An initial review of current advisory Boards did not identify duplicative Boards.

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Background & Progress to Date
cont.

➤ The GSTF endorsed the recommendations included in this report at its December 4, 2006 meeting; based on the direction of the BCC, staff is available to draft amendments with input from the Office of the County Attorney.

➤ A number of administrative improvements, spearheaded by the Office of the Clerk of the Board, are currently in progress.

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Overview of County Advisory Boards

➢ BCC establishes boards by resolution or ordinance

➢ Currently, there are 113 County boards. 92 boards operate pursuant to BCC mandate, 21 County boards operate pursuant to state or federal mandates

➢ Board types include:

Advisory	Canvassing
Community Council	Governing
Municipal Advisory Council	Nominating Committee
Quasi-Judicial	

➢ Boards established through ordinance are required to submit biennial Sunset Review Reports

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Overview of the Current Sunset Review Process:

➤ The process is governed by Section 2-11.40 of the County Code.

➤ The purpose of the Sunset Review Process is to ensure boards serve the purposes for which they were created.

➤ Sunset Review Reports are primarily board self-assessments: they are prepared by staff, approved by Board and transmitted to County Manager by Chairperson.

➤ Reports are reviewed by OSBM as to form and sufficiency and are transmitted to the appropriate BCC Committee by County Manager.

➤ The BCC reviews each Sunset Review Report and determines the future status of each board.

➤ Boards operating pursuant to federal or state laws are exempt from Sunset Review reporting.

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Issues for Consideration

➢ Effectiveness of Sunset Review process

➢ Reporting requirements

➢ Vacancy and quorum difficulties

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Issues: Effectiveness of the Sunset Review Process

➢ The Sunset Review report is a self-assessment.

➢ There is currently no mechanism for a more independent, in-depth review.

➢ The current process is not a "true" sunset review process: nationally, entities subject to sunset review usually have termination dates in their authorizing statutes; legislative action must be taken to reauthorize them.

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Issues: Reporting Requirements

➤ Only rudimentary expense information is required.

➤ All Boards are required to establish and track performance measures; however, advisory boards do not typically have direct control over measurable performance outcomes. Broad statements of purpose and goals may be more appropriate for certain boards.

➤ Boards are required to submit an Annual Report to the BCC in addition to the biennial Sunset Review Report, generating duplicative adminstrative work.

MIAMI-DADE COUNTY

Issues: Vacancy and Quorum Difficulties

➤ Some boards have high vacancy rates.

➤ Some boards do not adequately advertise vacancies in accordance with legislative requirements.

➤ Some boards have experienced difficulty achieving quorum. In many cases this is a result of vacancy issues.

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Recommended Legislative Alternatives

The Task Force recommendations encompass three broad areas:

➢ Sunset Provisions;

➢ Reporting Requirements; and

➢ Procedural Items

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Legislative Alternatives: Sunset Provisions

Existing Boards:

- Impose universal sunset date (5 years). Board continuation past this date would require reauthorization by the BCC. Specific boards (such as governing boards) could be exempted as appropriate.

- Eliminate currently inactive Boards that have not met in 12 months (except Boards that exist pursuant to federal or state mandate, or that convene on an as needed basis)

Future Boards:

- Require sunset date in Board ordinance (5 year maximum). Board continuation past this date would require reauthorization by the BCC. Specific boards could be exempted as appropriate.

All Boards

- Automatic sunset following 1 year of inactivity. Specific boards could be exempted as appropriate.

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Legislative Alternatives: Reporting Requirements

➤ Impose additional financial reporting requirements for:
  a. Fiduciary Boards
  b. Boards meeting threshold annual budget amount (such as $100,000)

➤ Triggers for in depth review based on:
  a. Low quorum achievement rate
  b. High vacancy rate
  c. Request by BCC subcommittee
  d. Discretion of Commission Auditor

➤ Provide greater flexibility in evaluating Board performance
  a. Permit use of goals for advisory boards
  b. Continue to require measurable performance objecti for fiduciary Boards

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Legislative Alternatives:
Procedural Items

➢ Allow Sunset Review Report to serve as Annual Report for the year in which it is submitted

➢ Realign reporting deadlines with current committee structure *or* eliminate committee review requirement

➢ Consider moving reporting deadline from spring to November/December

➢ Post board vacancies online in lieu of the current biannual advertisement requirement

MIAMI-DADE COUNTY

Administrative Improvements and Recommendations:

➢ Boards requiring performance measures should ensure that such measures are clearly articulated and reflect the stated purpose of the Board.

➢ The Clerk of the Board is in the process of developing an online application system for Board members and has offered to centrally advertise all Board vacancies in accordance with legislative requirements. Staff should coordinate with the Clerk to ensure compliance with these requirements.

➢ The Clerk of the Board has held a meeting of all board secretaries to review board roles and responsibilities; the County Manager will continue to support Board staff in the fulfillment of their duties.

➢ The Commission on Ethics should continue to ensure that all Board members are provided ethics training as required by County legislation.

➢ The GSTF recommends the designation of a County Boards Liaison in the Office of the Chair.

➢ The GSTF suggests that the BCC explore options for enhancing communications with advisory boards, potentially by regular reporting through the BCC committee structure.

MIAMI·DADE COUNTY

Attachments:

➤ Commissioner Auditor March 31, 2006 *Review of Boards and Councils*

➤ Section 2-11.40 of the Code of Miami-Dade County

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COUNTY

Memorandum   MIAMI-DADE COUNTY

Date:

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: Honorable Commissioner Dennis C. Moss
Chairperson, Governmental Structure Task Force

Subject: Governmental Structure Task Force on Recommendations Regarding Miami-Dade
County's Community Periodical Advertising Program

I am pleased to submit for your consideration the attached recommendations by the Governmental Structure Task Force (GSTF) in regards to the Miami-Dade County Community Periodical Advertising Program (CPP). The attached report contains recommendations to establish new standards and guidelines for participating publications. A chart that compares the current governing criteria to the recommendations has also been included. I encourage the Board to bring forward a request for an administrative order for appropriate action by the County Manager.

As part of the GSTF's work in analyzing various County government programs, the Task Force requested the Communications Department undertake a review of the CPP. The Task Force also asked that the Communications Department staff obtain input from all community periodical publishers on the proposed new standards and guidelines for participation in the CPP. Reports on these efforts have been provided to the GSTF for review. Although it is difficult to reach a complete consensus among all the periodical publishers, it is staff's belief that the proposed changes are generally supported by most of the participants.

The CPP is currently administered through Resolution No. R-678-98, which was enacted in 1998. Essentially the resolution appropriated $850,000 to be used specifically for advertising in all community periodicals in the program each fiscal year. In 2000, the amount for advertising for each fiscal year increased to $1,050,000 through the budget process. In 1998, the CPP was initiated with approximately 50 participants. Currently there are 65 periodicals participating in the CPP. Advertising is primarily supported by the General Fund in the amount of $610,000 annually. The balance of $440,000 is funded by County proprietary departments.

I look forward to your feedback on this issue. I would like to thank Commissioners Heyman, Seijas and Sosa for their valuable contributions as members of the Task Force, as well as staff for all their efforts regarding this matter.

cc: George M. Burgess, County Manager
Assistant County Managers

Attachment

Approved _____ Mayor   Agenda Item No.
Veto   _____
Override   _____

RESOLUTION NO. _____

RESOLUTION ADOPTING GOVERNMENTAL STRUCTURE
TASK FORCE ("GSTF") RECOMMENDATIONS REGARDING
MIAMI-DADE COUNTY COMMUNITY PERIODICAL
ADVERTISING PROGRAM AND INSTRUCTING THE
COUNTY MANAGER TO IMPLEMENT GSTF
RECOMMENDATIONS

WHEREAS, the GSTF was created by the Board of County Commissioners to evaluate

the effectiveness and efficiencies of various components of local governments in general and

Miami-Dade County in particular and to make appropriate recommendations; and

WHEREAS, the GSTF's analysis included evaluation of the County's Community

Periodical Advertising Program; and

WHEREAS, the GSTF recommends changes to the Community Periodical Advertising

Program including, but not limited to, restructuring the program to provide additional

governmental information to segments of the community not adequately served by mainstream

media and establishing new standards and criteria for participation in the program all as more

specifically outlined in the accompanying memorandum and attachments hereto and incorporated

herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the

GSTF's recommended changes to the County Community Periodical Advertising Program as set

forth in the accompanying memorandum and attachments hereto and incorporated herein by

reference and instructs the County Manager to implement said recommendations.

The foregoing resolution was sponsored by Commissioner   and

offered by Commissioner   , who moved its adoption. The motion was

seconded by Commissioner   and upon being put to a vote, the vote

was as follows:

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Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

</div>

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this   day of

                        , 2007. This resolution shall become effective ten (10) days after the date

of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an

override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
        Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.   _____

Abigail Price-Williams

**Governmental Structure Task Force Report on Recommendations
Regarding Miami-Dade County's Community Periodical Advertising Program**

This report was developed by the Communications Department as mandated by the Governmental Structure Task Force. It includes several recommendations initially conceived when an analysis of the Community Periodical Program was requested through Resolution No. R-1197-05 sponsored by Commissioners Souto, Sosa and former Vice-Chairman Moss. This list of recommendations to improve the criteria that currently governs the Community Periodical Advertising Program was further developed and finalized when the Governmental Structure Task Force requested a thorough review of recommendations be conducted with all the Program participants.

I. New Governance:

A Resolution establishing an Administrative Order to create new criteria for the Miami-Dade County Periodical Advertising Program shall be developed. The following list of new criteria shall be included in the administrative which shall supersede all other resolutions governing the Community Periodical Program.

1. Applications:

The owner/publisher of the periodical must sign affidavits, as part of the application forms, stating that the participant meets all of the minimum qualifications as stated herein and that all the information provided by the participant is correct. It is the sole responsibility of each program participant to immediately report to the Miami-Dade County Communications Department any change in circulation, distribution, ownership, format / look, or other material facts that could alter eligibility criteria in writing.

2. Qualifications:

For purposes of this program, a community periodical is defined as a magazine or a newspaper that provides news and information to one of the cultural, ethnic or geographic communities within Miami-Dade County and that contains local news, articles of interest to the general public and advertising; and is available to the general public.

To qualify a periodical must meet the following minimum requirements:

a. 5,000 minimum copies per edition: A minimum of 5,000 copies per edition must be circulated within Miami-Dade County. Each edition must contain at least 8 pages.

b. Publication dates schedule: The periodical must provide Miami-Dade County Communications Department (heretofore known as Communications Department) with a comprehensive schedule of publication dates and deadlines. The periodical must clearly commit to a publication frequency for the 12-month fiscal year. The Communications Department will place

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advertisements based on this publication schedule/calendar submitted at application time. This schedule must be accurate and strictly adhered to. County advertisement insertion orders that are not complied with, by periodicals failing to maintain a committed publication frequency, will lead to non-payment of advertisement. Should you decide to change your frequency after the program has begun, you must notify the Communications Department in writing at least one month (30 days) prior to the effective date of change.

c. Distribution: A periodical must provide to the Communications Department the location and addresses of at least 10 different sites throughout the community where the periodical is distributed, maintained and replenished on a regular basis. Participants that have subscriptions and mail the periodical directly to at least 5,000 subscribers can, in lieu of giving their addresses, list the areas by zip code or geographic area. Also, periodicals shall be able to provide a list of BCC districts in which they primarily circulate as well as other demographic data pertinent to an advertiser placing ads. They should also state their reading audience make-up.

d. Printer's Receipts / Cancelled checks: The periodical must provide the Communications Department with printer's receipts and cancelled checks for each edition that was printed the entire previous fiscal year, beginning October 1st of the last year to September 30th of the current year. Said receipts shall help prove that the periodical has published on a consistent basis in accordance with the frequency of publication, i.e., biweekly, monthly, or weekly, stipulated on the affidavits provided. A periodical that is NEW to the program shall provide printers' receipts and corresponding cancelled checks for the previous THREE (3) years prior to the current fiscal year for which application is submitted.

e. Headquarters / Occupational License: The community periodical's business and/or home office must be geographically located in Miami-Dade County. Post Office Boxes do not qualify as an address. The following points shall constitute proof of headquarter in Miami-Dade County: a) a main office in Miami-Dade County. b) A satellite office in Miami-Dade County to focus on Miami-Dade County news; and/or c) the publisher/director of the paper works out of his/her home located in Miami-Dade County and has no office in Miami-Dade County. The periodical must provide to the Communications Department a copy of their valid occupational license from Miami-Dade County for the forthcoming fiscal year.

f. Vendor registration: The periodical must be registered as a Miami Dade County vendor with the Department of Procurement Management.

g. Rate Structure: The periodical must provide the Communications Department with its published rate card for its standard advertising rates. The periodical must also provide the County with a price guarantee for at least 365 days.

The County shall establish standard advertisement rate ceilings. To establish standard rates, the following two options should be considered:

- Option 1: The maximum rate charged for a full page ad shall be an average of all the participating periodicals' full page rates. All sizes of ads shall be divisible by the full page rate. For example: a half-page ad would cost half as much as a full page ad, a quarter-page ad would cost a quarter of the full page rate and so on.

- Option 2: The standard rate shall be no more than $75 to $150 cost per thousand editions printed in a month. All sizes of ads shall be divisible by the full page rate. For example: a half-page ad would cost half as much as a full page ad, a quarter-page ad would cost a quarter of the full page rate and so on.

h. Three years old minimum: The periodical must have been published continuously for a minimum of three years prior to the beginning of the funding cycle. Samples to show substantial evidence of publication from the prior three years, along with other evidence deemed sufficient by the County, must be forwarded to the Communications Department. Current program participants who meet all the requirements outlined in this section and who have continuously published their periodicals since joining the program will be grandfathered into the new program.

i. Contact information: All participants must have a working phone, fax and/or permanent address and e-mail accessibility.

3. Policies and Guidelines:

The following points shall constitute minimal guidelines established by the Communications Department to determine the way in which periodicals shall be considered when determining which newspapers shall get ads and participate in this Program.

Ad Placement: The Communications Department shall follow the periodical's publication calendar which is submitted at application time. All publication schedules must be accurate so that ads are published on timely and appropriate bases, especially time-sensitive ads such as those for special events. If a periodical decides to change their publication calendar it must give the Communications Department 30 days advanced written notice.

Parameters for ad placement:
- Target audience: some advertisements are meant specifically for persons living in a certain area or for a certain ethnic market
- Message: all ads are placed according to the objectives of the message

Timeliness of publication: the more frequent and consistent the periodical is, charging reasonable rates, the more likely it is to receive advertising Disruption of publication: A periodical is allowed to disrupt its publication frequency by missing a maximum of 3 editions within one fiscal year. It is necessary that the Communications Department receive written advanced notification of this disruption in frequency. The Communications Department reserves the right to consider previous experience with the periodical's publication frequency in order to determine if further action is warranted such as probation or suspension. See Suspension and Probation section for more details.

Three or more editions not published: Failure to notify that a publication has disrupted its publication frequency up to 3 editions shall result in removal from the program immediately and placed on suspension until the following fiscal year. During the suspension period, the periodical shall publish on a consistent basis.

Four of more editions not published: Failure to notify that publication has disrupted its publication frequency by up to 4 or more editions, regardless of previous status in the Program, will result in immediate removal from the program. Said publication will only be allowed to reapply in the following September, or a complete year after disruption occurred - whichever is later - to commence the following fiscal year. In essence, the periodical would be removed for one year. At that time, the periodical's application must be completely in accordance with minimum requirements stated herein.

4. Suspension and Probation:

Participants not adhering to established guidelines shall be suspended from participating in the program by the Communications Department for six months by issuance of a written statement setting forth the basis for the suspension. Also, suspended periodicals shall be subject to an automatic audit. If this audit finds that said periodical has not published or distributed its paper or been in compliance during the suspension period, it will be terminated from the Miami-Dade County's Community Periodical Advertising Program. If the audit finds the paper has been in circulation and has distributed according to paperwork presented at the time of application into the Program, such participants shall be placed on probation for one year following their suspension, during which they can continue to participate in the program, subject to any conditions imposed by the Communications Department as part of their probation.

If there is another failure by a participant to adhere to the established guidelines while on probation, the participant will be disqualified from the program, without eligibility to re-qualify into the Program, for the following 3 fiscal years.

5. No Rights Conveyed:

Merely qualifying for this program does not entitle a periodical to participate in the program. Nor does the creation of this program give any party a property or other right to participate in this program. The County, through the Communications Department, reserves the right to use its discretion to choose among qualified applicants to ensure a wide distribution of the advertised material to the diverse communities in Miami-Dade County. The exercise of the County's discretion in this regard shall not be subject to appeal.

6. Proof of Publication and Payment:

The periodical shall include the Communications Department in its subscriber or distribution list so as to provide County staff with proof that it is publishing on a timely basis. The periodical will return "tear-sheets" to the Miami-Dade County Communications Department that contains the printed version of the ad along with a complete copy of the edition. Payment will be made following publication of the ad. The Communications Department reserves the right to withhold future advertising to any periodicals based on prior experience demonstrating that ads are not published at the time designated. For example: ads shall be withheld if previous ads are not published according to the insertion order provided, or if not billed on a timely basis so as to prove the ad was published at the time it was ordered to be published. Miami-Dade County will remit payment within forty five (45) days of receipt of the tear sheets and invoices.

7. Retaining Records and Audits:

Each participant must retain one copy of every edition published on file at all times for a minimum of 3 years. All editions must have, at a minimum, the publication month and year, prominently displayed on the masthead, cover, inside cover or other easily viewed location of the periodical. The participant must also retain on file notarized printers' receipts stating the number of pages printed for each edition and the number of actual newspapers or magazines printed. The participant must also retain with each printer's receipt and copy of newspaper, the original canceled check evidencing proof of payment to printer or an official bank copy of the canceled check. These records will be subject to random reviews and random audits by the County or its designee at any time. Other forms of proof of distribution, i.e., agreements with distributors, agreements with stores or malls to have the newspapers displayed or offered at their organizations, or obtaining a professional audit report are all acceptable records that can be retained by publishers to prove minimum qualifications are being met in lieu of printer's receipts.

8. Administrative Costs:

The Communications Department will retain 5 percent of the annual amount budgeted for the Community Periodical Program to help defray any costs associated with auditing the program.

9. Communications Department Role:

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The Communications Department will be responsible for monitoring, and placing all Miami Dade County advertising to certified periodical participants in the Community Periodical Advertising Program. The guidelines contained herein shall constitute minimum requirements.

10. Misrepresenting Information:

If at any time the County determines that there is any intent to defraud the County tax payers by presenting false, incorrect or inaccurate information concerning circulation, distribution, publication, printing or other relevant information, all evidence will be forwarded to the Ethics Commission, Inspector General's Office and/or to the State Attorney's Office for investigation and potential criminal prosecution. The participant will be automatically suspended pending the investigation and cannot be re-admitted into the program until the investigation is resolved in favor of the participant.

Any program participant placed on probation for violating any provision of this section will undergo an annual audit to ensure compliance with this resolution, including, at the discretion of the Communications Department, a circulation audit by outside auditing agency to validate printed copies and circulation statistics for a period of three years. Nothing in this section shall preclude the County from requesting a circulation audit whenever it deems appropriate in an effort to protect the program and the County from fraud.

11. Appeals:

Aggrieved community periodicals may appeal the decisions of the Communications Department pursuant to this Resolution by filing a written notice of appeal fully explaining the basis for its appeal and attaching necessary documents, including, if necessary, affidavits with the Communications Department within 20 days of the decision being appealed. At which point the Board of County Commissioners shall conduct a review and issue a written decision within 30 days from the time the appeal is received. Said final decision shall be given to the aggrieved community periodical in writing within 30 days after receipt of written appeal.

Community Periodical Advertising Program Comparison Chart

Item	Current Resolution	New / Recommended Changes
Governance	Resolution # 678-98 Passed 1998	Administrative Order
Recertification (Item 4 of 1998 resolution)	Per item 4 of current governing resolution - a recertification process is in place and seeks to ensure that papers are circulating in the local community.	The recertification process and its tasks will be replaced by audits.
Periodical must include local content	No content requirements	General or local news coverage and content required.
Publication Schedules and Frequencies / Suspension and Probation	There are no requirements regarding a publication's frequency. There are no enforcement criteria stipulated. Periodicals can miss publications and still be in the Program.	Publication schedules and frequencies are defined. New enforceable criteria are defined including how papers can be placed on suspension or probation in order to maintain the integrity of the Program.
Rate Structure	Currently no structure or control over rates	Maximum rates established
Audits	No audit requirements	Periodic random circulation and distribution audits can be conducted and/or required of member papers. Administrative costs would be encumbered and assessed at about 5%.

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Miami-Dade County Government Structure Task Force

Community Periodical Advertising Program

MIAMI-DADE COUNTY

Background

- The GSTF tasked the Communications Department with a review of the Community Periodical Advertising Program.

- Communications staff met with periodical publishers participating in the current program to obtain their feedback regarding proposed changes.

- Communications staff met with each County Commissioner to obtain their input.

- A report containing a summary of all meetings with community periodical participants was submitted to the GSTF September 18, 2006.

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Progress to Date

➢ A report detailing recommended changes to the program was provided to GSTF on December 4, 2006.

➢ The GSTF formally endorsed the recommendations but requested staff to revisit the proposed rate structure. This item has been amended and is included in the final report.

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Recommended Changes

- Governance
- Recertification Process
- Content of Periodical
- Publication Schedules
- Criteria Enforcement
- Rate Structure

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Governance

➤ The current program is governed by a resolution passed in 1998.

➤ A new resolution would direct the County Manager to develop an administrative order to govern the community periodical advertising program.

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Recertification Process

➤ Current resolution criteria detail a recertification process seeking to ensure that participating periodicals are circulating in the local community.

➤ Under new recommendations, this process would be replaced by audits.

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Content of Periodical

➤ The current resolution does not establish any requirements regarding the content or information covered in the periodical.

➤ The new criteria would require any participating periodical to cover local news and information for the community.

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Publication Schedules

➤ Currently there are are no requirements regarding a frequency of publication.

➤ The new criteria establish minimum schedule and frequency requirements.

➤ All publications must publish at least monthly.

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Criteria Enforcement

➤ There are no provisions for enforcement stipulated in the current resolution.

➤ New enforceable criteria are defined, including how periodicals are placed on probation or suspended from the program.

➤ These measures help maintain the integrity of the program.

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Rate Structure

➢ No set rate structure is currently in place.

➢ The new criteria would establish maximum rates.

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